

**RIGHT-OF-WAY REVIEW
(CONSULTANT COPY)
POLICY AND PROCEDURES MANUAL
ENGINEERING DIVISION, PUBLIC WORKS**

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GENERAL REQUIREMENTS FOR RIGHT-OF-WAY PLANS

1. Sheet Size and Scale
 - A. The plans should be drawn on 24" x 36" sheets (the drawing area can be 22" x 34"). This is the requirement of the City. The State has required drawings on 11" x 17". Whichever size is used, the plans will have to be microfilmed to become part of the City's permanent records. The drawing must be clear and legible. Full size drawings will be reduced to half size and the half size drawings will be microfilmed at full size. The information will be of no use if not legible.
 - B. Scale shall be the same as the construction plans or any legible scale.
 - C. Tract maps (8 1/2" X 11") are used for descriptive purposes when easements/deeds are being sent through the Property and Relocation Services for acquisition. They can be copied from ownership sheets.

2. Cover Sheet
 - A. Project Title, City Project Number, City File Number, City, County, and State designations, and Federal Aid Project Number (if applicable).
 - B. Location Map
 - C. Sheet index, general notes, legend, etc.

3. Ownership Sheet(s) (24" X 36" sheets that are included with the plans)
 - A. Show total ownership boundaries and sufficient information to follow the ownership descriptions, such as the POB (for metes and bounds descriptions), lot number(s), block number(s), name of plat(s) (as given in the written information), dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size and shape of the property. *
 - B. Provide tract numbers, e.g. 1, 2, 3, 4... and ownership names.
 - C. Show proposed easement boundaries and sufficient information to follow the easement descriptions, such as but not limited to, the POB, dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size and shape of the easement. *
 - D. Hatch easements in a manner that easily differentiates one easement from another and allows text to be easily read and reproduced.
 - E. Show all existing utility and drainage easements.
 - F. Provide an ownership legend showing tract numbers, property owner names, areas of easements, total ownership, and remainder area, and plan and profile sheet number.
 - G. Tract maps (8 1/2" X 11" sheets that are used by Property and Relocation services to help property owner understand the boundaries of said easement or right of way document).

4. Detail Sheet(s)
 - A. Typical sections and other details as necessary to explain the project.
 - B. General notes, etc., if not shown on the cover sheet.

5. Plan and Profile Sheet(s)

A. Plan View

1. Show all proposed easement boundaries in detail.
2. Show total ownership boundary if space available.
3. Show property owner name(s) and tract number(s).
4. Show construction and grading limits.
5. Show all improvements or structures to be acquired or damaged by the project, and those improvements or structures within the proximity of the project.
6. Show all existing utilities, easements and/or rights-of-way.
7. Show survey centerline and/or base line stations that relate the right-of-way to the construction plans.
8. Show all trees 6" in diameter and larger within the easement areas and label size and species, and remove or save.
9. Show easement legend.

B. Profile View (when grades are being changed, or established)

1. Show existing street grade(s) as required on construction plans.
2. Show any previously established street grade(s) with ties to P.I.s and vertical curve data as given in City Ordinance or as shown on subdivision plat.
3. Show proposed street grade(s) including ties to P.I.s from intersecting streets or land lines and vertical curve data as required to describe the grade in a City Ordinance.
4. Show street grade legend and label grades. Proposed street grade(s) to be labeled centerline or top of curb, etc.
5. Street grade data is to be shown in English units with conversion chart and factor from metric if the use of metric is necessary.
6. When an existing street is being changed by six inches, or more, a Grade Resolution is required (see pg. 8, Grade Resolutions).
7. Signature and seal of Professional Engineer, or Lands Surveyor registered in the state of Missouri.

6. All vertical data is to be referenced to NAVD 88.

7. Supply an electronic copy of all easements in the City's current word processing format. (As of 03-28-2003 right of Way Services is using Micro Soft Word.)

* Pertaining to legal descriptions for easements, we only require a metes and bounds description for an easement when it is the only way to adequately describe the given easement within a particular tract. Our intent in our requirement is to insure that there is no ambiguity in the location of the easement.

RIGHT-OF-WAY PLAN REVIEW

General Overview of what is often neglected in submitted right of way plans and documents.

The easements and the plans must be able to stand alone. By this, it is meant that it should be possible to make a legal description from the easement map in the plan set. Similarly, it should be possible to create an easement map using only the legal descriptions. To assure that this is done properly, it is important that the drawings and legal descriptions be checked in this way prior to submitting.

An easement is being taken from a given piece of property. Therefore, the easement should be checked against the pertinent recorded legal documents (plats, deeds) and these documents should be referenced as part of the description of the easement. Copies of these documents must be submitted along with the proposed easements.

The name of the recorded plat and block & lot number, or the Document Number and Book & Page information from the recorded deed if the property was unplatted, should be shown on the ownership map.

A schedule showing the entire square footage of the property, the square footage of the permanent easements, the square footage of the temporary easements, and the square footage of the remainder, after the permanent taking, is to be included on the ownership maps.

The Review:

A. Sheet size and scale:

The plans should be drawn on 24" x 36" sheets (the drawing area can be 22" x 34"). This is the requirement of the City. The State has asked for drawings on 11" x 17". Whichever size is used, the plans will have to be microfilmed to become part of the City's permanent records. The drawing must be clear and legible. Full size drawings will be reduced to half size and the half size drawings will be microfilmed at full size. The information will be of no use if not legible.

Construction plans and right-of-way plans are both needed to do a complete review. Construction plans will help to answer questions such as the slope of a roadway, locating and identifying certain utilities and writing grade and condemnation ordinances.

B. Cover Sheet:

The cover sheet shall contain any or all of the following designated to be identifiers for the project: Project title, City Project number, City File number, City, County and or State designation, and the Federal Aid Project Number (if applicable). These are necessary for retrieval of the plans and documents when seeking them from the agency responsible for the contract.

The location map shall contain enough information to be able to locate the project. This information shall be in the form of street names and numbers, Section, Township and Range numbers (if in unplatted areas) and a North arrow.

The cover sheet shall also include the index for the sheets contained in the plans, general notes, legend, signature lines, utility information, etc.

A signature and seal of a Registered Professional Engineer, or Land Surveyor registered in the State of Missouri is required on all plans before a review is done.

C. Ownership Sheets:

Ownership sheets shall contain all information pertinent to the description of the easements being taken including total ownership boundaries and sufficient information to follow the ownership descriptions, such as but not limited to, the POB, lot number, block number, name of the plat, dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size of the property. This information is used to check the areas of the properties, locate properties if different from the platted lots, check the legal description on the documents and check the areas of the easements we are requesting.

Ownership sheets shall also include tract numbers, eg. 1,2,3,4... and ownership names. This information is used to identify the properties in the project. The names and lot numbers are used interchangeable to locate and identify the specific piece of property that will go along with a legal document. The tract numbers are used as short cuts to the identification process verses using the regular lot numbers, which could repeat in a given project, or county plat and parcel numbers, that have the potential to introduce error into the review process because of their length and the repetition of numbers at the beginning of the parcel number

Show easement boundaries and sufficient information to follow the easement descriptions such as, but not limited to, the POB, dimensions (measured and platted / recorded if different), bearings, and curved data used to define the size of the easement. This information is used to check and verify the information given in the legal descriptions of the documents. It's also used in connection with the cross sections to verify the easements asked for will support the scope of the project.

The easements shall be shaded to easily differentiate easements from one another and from the rest of the drawing. The shading shall not be so dark or busy as to prevent printed information from being read, nor so light as to appear not to be shaded. Shading is used to easily locate the legal descriptions given in the documents and allows the right-of-way agents to point out to a property owner what part of his or her land the City is requesting.

A legend showing the shading for the permanent and temporary easements shall be provided. This information, again, will be used to verify the information on the documents and as a visual display to the property owner.

Provide an ownership legend/graph showing tract numbers, property owner's names, the total areas of the properties, the area of each type of taking, and the remaining area of the property after the permanent taking. This information is used to check the areas shown on the legal documents and will facilitate in the condemnation proceedings, if they should be necessary,

D. Detail Sheets:

The detail sheets must provide typical sections and other details as necessary to explain the project. These details are necessary and particularly helpful in determining if what is being built will fit within the easement.

E. Plan and Profile Sheets:

The scale for the right-of-way and the plan and profile sheets shall be the same scale. The plan view shall show:

- all easement boundaries in detail,
- total ownership boundary if space allows,
- the name and tract number of the tract owner,
- the construction limits,
- all improvements or structures to be acquired or damaged by the project, and those improvements or structures in proximity of the project,
- label all rights-of-way,
- show the survey and/or base line stations that relate the right-of-way to the construction plans,

show all trees 6" in diameter and larger within the easement areas and label size and species indicating whether they are to be removed or saved.

All of the above information will again help to do a complete review the first time the plans are received. If the goal is to cut down the number of times a set of plans are reviewed, then obtaining complete and accurate information will allow this to happen.

The profile view of the plans shall show:

the existing street grades as required on the construction plans,
any previously established street grades with ties to points of vertical intersections and vertical curve data as given in the City ordinance or shown on the sub divisional plat,
the proposed street grades including PI ties from intersecting streets or land lines and vertical curve data as required to describe the grade in a City ordinance,
show street grade legend and label grades (proposed street grades are to be labeled along the centerline of the street or the top of the curb, etc, the street grade data is shown in English units with conversion chart and factor from metric, if the use of metric is necessary.

This information is necessary to compare the proposed grades to the existing, writing the street grade resolutions and the street grade ordinance. The plan and profile sheets may be screened reproductions of the construction plan sheets with the right-of-way data added as described above.

F. Vertical Data:

All vertical data is to be referenced to NAVD 88. This standard by which to reference all the given data helps us to keep all the elevations in our records comparable with new and old data.

G. Electronic Data:

Along with each submittal, an electronic copy of all easements in the City's current word processing format should be provided. Having the information for the documents in this format allows needed corrections to be made and documents printed without sending them back and forth. If there are any corrections that need comment from the consultant, they can be taken care of over the phone or by e-mail and the corrections then made quickly and efficiently in house.

F. Individual Tract Maps:

These are maps (8 1/2" X 11") that show individual ownerships boundaries for the deeds, or easements to be taken. They are generally used by Property and Relocation Services when acquiring signatures for said documents. These can be copied from the existing ownership sheets and need no surveyor or engineering seal.

PROPERTY & RELOCATION SERVICES

When the review is complete, and the plans and easement documents are acceptable, copies of the corrected plans and the corrected easement documents are sent to the Property and Relocation Services of City Development for acquisition.

All easements or right-of-way must be acquired using our City approved form. Be sure that the document says the same as the document we prepared, when in doubt have the Law Department check the document.

Be sure the correct form (the "boiler plate" as approved by the Law Department) is being used for acquiring easements and right-of-way. Be sure that documents returned have the same wording as is in the City's approved form. (Sometimes lines or even paragraphs are left out in electronic transfer of the form.)

With most sewer projects there will only be two kinds of easements required. For sanitary sewer projects there will be Standard Sewer Easements and Temporary Construction Easements. For storm projects there will be Storm Drainage Easements and Temporary Construction Easements.

Street projects may require many kinds of easements including General Warranty Deed, Storm Drainage Easement, Temporary Construction Easement, Grading Easement, Retaining Wall Easement, Standard Utility Easement, etc. .

The property owner information never should be typed on the first line of the document. Too many times the property acquisition agent has arrived with a totally typed document only to find that the property owner changed since the last time our records were updated.

The first owner line on the document must be long enough to allow the handwriting of the complete owners name. Following this page is a sample temporary construction easement form.

Note that the project number, tract number, owner of record and the owners address (not necessarily the tract address) should be placed in the upper right corner of the document. The Property Acquisition Agent needs to know where to find the owner. The plans show the agent where the easement property is.

Where grading is involved in the reconstruction of a street, all properties that abut the street must sign a Grading Consent.

Both sewer projects and street projects could require some type of access easements to get to the project.

When the grade of an existing street is being changed by six inches or more from the ordinance grade, a grade resolution and ordinance needs to be prepared.

If a street is being rebuilt, and it does not have a previous ordinance grade, a grade ordinance needs to be prepared and processed.

If Property and Relocation services is unable to contact owner, or otherwise acquire right-of-way for easements, or streets by standard means, then condemnation procedures must begin.

GRADE RESOLUTIONS

When an existing street is being reconstructed and the grade is being changed by six inches or more, a Grade Resolution is required. The Grade Resolution must be passed before a condemnation ordinance can be passed (if the street grade is being altered).

Before a grade resolution is passed, the Director of Public Works must make a "Declaration of Necessity".

The Grade Resolution basically states that the Council is resolved to change the grade of the street or streets. The resolution does not change the grade but puts the Citizens on notice that that is the intention so that the Citizens may voice their concerns.

Section 224 of the City Charter establishes the procedure for changing the grade of a street.

The Grade Resolution, as with most resolutions and ordinances, goes through three weekly readings at the Council meeting and is passed on the third reading. Between the first and second readings the resolution or ordinance goes to a Committee meeting for discussion and approval.

The Committee has the option to "hold" the resolution or ordinance for further discussion, and it will not have the second reading until released by the Committee.

The Citizen reaction of objection or opposition to the change of grade is called remonstrance. The Charter required period of remonstrance is 30 days, and it begins on the first day of publication. The ordinance that ordains and creates the new street grade cannot be passed until after the remonstrance period is over, and providing that no one has remonstrated. If a remonstrance is started, the ordinance may be rejected or held in council.

If certain tracts in the project need to be condemned, the Condemnation Ordinance, the Open, Widening and Establishing Ordinance and the Grade Ordinance are combined in one.

The ordinance can be docketed on the Council Agenda prior to the ending of the remonstrance period providing that the final reading and passing occurs after the last day of the remonstrance period. If a remonstrance happens the ordinance is held in committee.

The Grade of the street becomes effective, as with all ordinances, ten days after the ordinance is passed.

OVERVIEW TO EASEMENT DOCUMENTS

Attached are the most used “boiler plate” easement documents.

Please note...recorded deeds, or easement documents must be submitted to Right of Way Services the week before the first Thursday of the month to get on current monthly ordinance. This is for documents that have been reviewed and approved by project engineer, or Right of Way services.

Most of these documents are created in 10-point print, however when you insert from the disk into a project document, Word will probably put everything into 12-point print. You will need to change the document title to 12-point print and the rest of the document to 10-point print before you begin to work with the document.

Note that all of the documents are in the new format for recording. The grading consent document will not be in the recording format because that document does not get recorded.

What follows is an index to the easement documents with an explanation of what the document is used for. Consult a Real Estate, Survey, or Law Dictionary or IRWA manuals for additional explanation of the types of documents. The following documents can be found at <http://www.kcmo.org/pubworks.nsf/web/pwestandards>.

INDEX TO DOCUMENTS

AUTHORIZATION FOR ENTRY UPON REAL ESTATE:

Used when the City or the City’s agents need to go on to someone’s property to do such things as topographic survey, boring, etc. This document is not required for surveyors conducting boundary surveys according to Missouri State Statute.

GENERAL WARRANTY DEED:

Used when City is acquiring property, especially for street right-of-way.

Caution needs to be used with this document to insure that it clearly states what interest in the property the City is acquiring, and for what purpose. This is so the City only acquires property for a specific use and reserves all other interests in the land to the land owner. Done correctly, this will prevent the City from inadvertently receiving, by ownership, the liability of a potential Super Fund Site. Confer with the Law department to clarify whether property is being taken in fee.

GRADING EASEMENT:

Used when a portion of a property is being graded and the grade must be maintained in the future by the City.

GRADING CONSENT:

Used to release the city from any claim for compensation or damages that might occur by reason of grading street.

PEDESTRIAN RIGHT-OF-WAY:

Used when additional land is needed for sidewalk which will not fit in the right-of-way, or where a walkway is required across private property. Can be adapted to be used for Park hike & bike trails.

QUIT CLAIM DEED (FROM CITY):

Used when City wishes to dispose of property.

QUIT CLAIM DEED (TO CITY):

Used to give property to City when grantor can not or will not warranty the grant. This document should be accepted with great caution. The grantor is only conveying to the grantee the rights and interests he or she has in the property. If the grantor has no rights and interest in the property then that is what is being conveyed.

There is NO GUARANTEE with a Quit Claim Deed.
You use a Quit Claim Deed when you absolutely KNOW the other party has clear and unencumbered title to the property that is being transferred to the City.

RETAINING WALL EASEMENT:

Used when, as part of the grading of a project, a wall needs to hold back earth, and the City will maintain the wall after the work is done.

STANDARD SEWER EASEMENT:

Can be used for either sanitary or storm sewer, but always used for sanitary. Use is not restricted to type of sewer.

STANDARD UTILITY EASEMENT:

To obtain needed utility easement where none have been platted. Type of use is not restricted.

STORM DRAINAGE EASEMENT:

Easement where use is restricted to storm drainage facilities only.

SUBORDINATION AGREEMENT:

A very general document which will require amending for each particular project. If we take any right-of-way over an existing private easement, we require to have the first right to our easement and require the existing easement owner to subordinate to us.

TEMPORARY EASEMENT (ACCESS):

Used where we need to cross private property to get to our project work site, but do not require any permanent easement on that property. (A temporary road easement.)

TEMPORARY EASEMENT:

Used where we need to use the property during construction.

DOCUMENTS NEEDED TO ACCOMPANY DEED TO LANDS BEING DEDICATED FOR STREET PURPOSES

1. Record Information Certificate or Commitment for Title Insurance showing Ownership, any encumbrances, and a Tax Report - Also, to show any easements or right-of- ways and any existing Deeds of Trusts.
2. If any Deed of Trusts exists, a file copy of the partial release of the Deed of Trusts must be submitted for that part of the property that is to be taken for right-of-way purposes.
3. If any private utility company, individual or corporation has an easement or right-of-way over any portion of the property being deeded - a Subordination Agreement or Disclaimer must be submitted.
4. State, County and City Real Estate Taxes must be paid for current and prior years. If any Special Assessment Tax exists, it must be paid current, apportioned and paid for all property being dedicated for street purposes and all of the above must be reflected in the Report described in Paragraph 1 or, as an alternative, Certified Tax Receipts can be submitted.
5. On the Deed, after the Legal Description of the property being dedicated, the following clause is-to be inserted:

For street purposes as a part of (street name) together with easements in remaining lands on the abutting property along and adjacent, to said street, where required for the location, construction, and maintenance of an embankment or for sloping the sides of cuts back to construct and maintain said street at the established grade; also, said parties of the first part are hereby waiving damages, if any, by reason of the grading of said street. * Note: Confer with the Law department to clarify whether we would take this property in fee or other means.